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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,393	03/12/2004	Michael Naimark	345288017US	7182
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PERKINS COIE LLP PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247			EXAMINER ABEL JALIL, NEVEEN	
			ART UNIT	PAPER NUMBER
			2165	
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			02/06/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

mn

Office Action Summary

Application No.

10/800,393

Applicant(s)

NAIMARK ET AL.

Examiner

Neveen Abel-Jalil

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/31/07 & Supplemental 1/3/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 56-89 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 56-89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 31-October -2007 has been entered.
2. Applicant's Amendment filed on 10/31/2007 and Supplemental 1/3/2008 have been received and entered. Claims 56-89 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 21-32, 34-44, 46-51, and 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eichstaedt et al. (U.S. Patent No. 6,385,619 B1)-previously cited- in view of Hunt et al. (U.S. Patent No. 5,893,091)-previously cited, and further in view of Needham (U.S. Patent No. 6,803,945 B1).

As to claims 56, 71, 81, and 85, Eichstaedt et al. discloses a method of notifying a participant that a network accessible item is of current interest, the method comprising:

providing an indication of interest in one or more interest categories (See Eichstaedt et al. column 3, lines 10-20);

receiving at a first time via an alerting user an alert regarding the network accessible item (See Eichstaedt et al. Abstract; see Eichstaedt et al. column 1, lines 43-55), wherein:

the alerting user is not the participant (See Eichstaedt et al. Figure 2, "alerts" are broadcast through the Web server 58);

the alert is based on a change in the content of the network accessible item (See Eichstaedt et al. column 4, lines 45-55);

the alert indicates that the content of the network accessible item at the current time is of interest (See Eichstaedt et al. Fig. 2, element 64; see Eichstaedt et al. column 1, lines 56-62; also see Eichstaedt et al. column 3, lines 18-20);

at least one interest category is assigned to the network accessible item (See Eichstaedt et al. column 4, lines 31-39); and

providing human-perceptible notification in real time at a second time to the participant that the network accessible item is of current interest, wherein the network accessible item is associated with at least one interest category in which the participant previously indicated interest, and the second time is substantially the same as the first time (See Eichstaedt et al. column 3, lines 39-52).

Eichstaedt et al. discloses the claimed invention except for real-time alerts. However, he teaches pre-defined period of time are set for notification based on Web pages (i.e. can be real-

time or current time) in column 5, lines 3-8. Eichstaedt et al. discloses the claimed invention except for processing alerts at third location separate from alerting user and participant.

Hunt et al. teaches real-time alerts and processing alerts at third location separate from alerting user and participant (See Hunt et al. column 5, lines 34-36, wherein the “first location” is read on “client”/subscriber, alerting user at a second location, see Hunt et al. column 8, lines 6-15, wherein the “second location” is read on the “timely service providers”, and processing the alert at a third location different from the first and second locations, see Hunt et al. column 5, lines 5-11, wherein “third location” is read on “server”); and

the network accessible item is associated with content that changes over time (See Hunt et al. column 11, lines 29-35);

the alert is based at least in part on a real time change, in the content of the network accessible item (See Hunt et al. column 12, lines 6-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Eichstaedt et al. by the teaching of Hunt et al. to include real-time alerts between participant at first location, alerting user at a second location, and processing the alert at a third location different from the first and second locations; and the network accessible item is associated with content that changes over time because it provides for efficient accessibility and accurate up-to-date information (See Hunt et al. column 4, lines 29-34).

The combination of Eichstaedt et al. with the teaching of Hunt et al. teaches the claimed invention but does not teach the alerting user is not the participant and both the alerting user and the participant are individuals; real time change perceived by the alerting user.

Eichstaedt et al. teaches subscription to interest categories, while Hunt et al. teaches real-time alerts of content changes associated with subscription. Now, Needham teaches capturing dynamic changes at remote webcam location and issuing related alerts.

Needham teaches the alerting user is not the participant and both the alerting user and the participant are individuals; real time change perceived by the alerting user (See column 3, lines 14-26, and column 5, lines 45-59, wherein "real-time" is inherent in motion detection, wherein "perceived" is inherent of "webcam").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Eichstaedt et al. as modified by the teaching of Needham to the alerting user is not the participant and both the alerting user and the participant are individuals; real time change perceived by the alerting user because it provides for efficient way to monitor real-life in-frequent events as they happen as to not miss updates that may occur less frequently as others. (See Needham column2, lines 8-15).

As to claims 57, 72, 82, and 86, Eichstaedt et al. as modified discloses wherein the network accessible item is identified by a Universal Resource Locator (URL) (See Eichstaedt et al. column 5, lines 58-60; where system works in an HTML and XML browser environment implies the topics can be identified by URL, also see Hunt et al. column 4, lines 60-67).

As to claims 58, 73, 74, 83, and 87-88, Eichstaedt et al. as modified discloses wherein the alert includes an interest category specified by the alerting user (See Eichstaedt et al. column 2, lines 42-48, also see Hunt et al. column 4, lines 60-67).

As to claims 59, 75, and 89, Eichstaedt et al. as modified discloses wherein the processing further includes determining an alert intensity (See Eichstaedt et al. column 3, lines 29-38, wherein “alerting intensity” reads on “numerical value”, also see Eichstaedt et al. column 3, lines 49-54).

As to claim 60, Eichstaedt et al. as modified discloses wherein the processing further includes determining an alert intensity based at least in part on the alerting user's identity (See Eichstaedt et al. Figure 2, 62, and see Eichstaedt et al. column 3, lines 15-20, wherein “identity” reads on “profile”, also see Hunt et al. column 15, lines 20-25).

As to claims 61, and 76, Eichstaedt et al. as modified discloses further comprising storing data associated with the alert (See Eichstaedt et al. column 3, lines 7-25, also see Hunt et al. column 13, lines 10-20).

As to claim 62, Eichstaedt et al. as modified discloses wherein the processing further includes using stored data associated with a previous alert (See Eichstaedt et al. column 4, lines 4-10, also see Eichstaedt et al. column 5, lines 2-10, also see Hunt et al. column 13, lines 10-20).

As to claim 63, Eichstaedt et al. as modified discloses wherein the processing further includes determining an intensity rank for the alert, and further comprising, if the intensity rank is below a threshold, deleting stored data associated with the alert (See Eichstaedt et al. column

4, lines 50-67, wherein threshold is used to calculate the relevance of the content, wherein “if” should be replaced with “when”).

As to claim 64, Eichstaedt et al. as modified discloses wherein the processing further includes determining an intensity rank for the alert (See Eichstaedt et al. column 3, lines 49-53; where “intensity rank” is read on “weight”).

As to claim 65, Eichstaedt et al. as modified discloses wherein the processing further includes determining an intensity rank for the alert that decays exponentially with time (See Eichstaedt et al. column 4, lines 4-8).

As to claims 66 and 78, Eichstaedt et al. as modified discloses wherein the processing further includes determining an intensity rank for the alert, wherein the participant is notified about multiple network accessible items of current interest, and wherein the multiple network accessible items are selected based at least in part on intensity rank (See Eichstaedt et al. column 4, lines 31-47, also see Eichstaedt et al. column 5, lines 15-20).

As to claim 67, Eichstaedt et al. as modified discloses wherein the participant is notified about multiple network accessible items of current interest and the multiple network accessible items are ordered with respect to each other (See Eichstaedt et al. column 1, lines 46-55; where “intensity rank” is read on “interest score”).

As to claim 68, Eichstaedt et al. as modified discloses wherein the participant is notified about multiple network accessible items of current interest and the multiple network accessible items are selected based at least in part on a sensitivity level associated with the participant (See Eichstaedt et al. column 4, lines 4-28; and see Eichstaedt et al. column 4, lines 31-55, also see Eichstaedt et al. column 5, lines 2-29).

As to claim 69, Eichstaedt et al. as modified discloses further comprising displaying to the participant content associated with the network accessible item of current interest (See Eichstaedt et al. column 1, lines 41-44; also see Eichstaedt et al. column 2, lines 15-19).

As to claims 70, 80, and 84, Eichstaedt et al. as modified discloses wherein the alert includes a caption specified by the alerting user (See Hunt et al. column 4, lines 64-67, wherein “caption” reads on the “message headline”).

Response to Arguments

5. Applicant's arguments with respect to claims 56-89 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. For cited art, see PTO form 892.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074.

The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian P. Chace can be reached on 571-272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Neveen Abel-Jalil
Primary Examiner
February 3, 2008